



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)
PRIMETIME STEAKHOUSE & SPIRITS,)
L.L.C.)
10021 W. Michigan)
Parma, Sandstone Township)
Jackson County)
_____)

Request ID No. 559274

At the April 12, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Donald B. Weatherspoon, Commissioner

LICENSING APPEAL ORDER

On April 26, 2010, Primetime Steakhouse & Spirits, L.L.C. (applicant) filed a request to transfer ownership of 2011 Class C and SDM licenses with Sunday Sales Permit (P.M.), Dance-Entertainment Permit, and Specific Purpose Permit (Food) from Butler & Holmes, L.L.C. to be located at the above-noted location; and a request to cancel the existing Specific Purpose Permit (Food).

At a meeting held on March 14, 2012, the Commission denied this request under administrative rule R 436.1105(1)(b) as the applicant did not provide proof of filing federal income taxes for the years 2008, 2009, and 2010, to evidence the earnings of sole applicant member Michael Gardynik.

Michael J. Brown, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter, and represented the applicant at the April 12, 2012 hearing, at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file and documents presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated that Mr. Gardynik filed his 2008, 2009 and 2010 federal income taxes and presented documents supporting that testimony.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of March 14, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. Receipt by the Commission of documentary proof that Primetime Steakhouse & Spirits, LLC received a loan in the amount of \$25,318.21 from applicant member, Michael Gardynik.
2. Receipt by the Commission of an executed LCC 3010 (Report of Stockholders/Members and Authorized Signer(s)).
3. Receipt by the Commission of an executed and acceptable lease agreement.
4. The licensee must submit proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the

immediate suspension of the subject licenses and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

5. The licensee shall pay all license fees by April 30th each calendar year pursuant to administrative rule R 436.1107.
6. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the licenses and permits, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the licenses and permits shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the license.
7. Under administrative rule R 436.1003, the licensee must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and

ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of these licenses and permits by the Michigan Liquor Control Commission does not waive any of these requirements.

8. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Donald B. Weatherspoon, Commissioner

By its action of April 12, 2012.

Prepared by:
Terri Chase, Commission Aide